

16 This case is scheduled for a Case Management Conference on December 19, 2011.¹ On
17 September 29, 2011, the Court granted Defendants' Motion to Disqualify Counsel. (hereafter,
18 "September 29 Order," Docket Item No. 1227.) On October 11, 2011, the Court granted Plaintiffs'
19 Motion for Leave to File Motion for Reconsideration of its September 29 Order. (Docket Item No.
20 1241.) On December 5, 2011, in light of the then-pending Motion for Reconsideration, the Court
21 continued the December 12 Case Management Conference to December 19, 2011. (Docket Item No.
22 1255.) On December 7, 2011, counsel for Defendants filed a Notice of Unavailability contending
23 that he is not available to appear at the December 19 Conference "due to a long-standing

¹ Prior to the Case Management Conference, the parties filed a Joint Case Management Statement in which Plaintiffs indicate that they intend to “amend[] the claims” and propose various deadlines for “disclosure of experts” and the close of discovery. (See Docket Item No. 1254 at 16.) However, as the Joint Case Management Statement recognizes, the “deadline for amending the pleadings has passed” and discovery has already closed in this case. (See *id.* at 10, 16.) If any party desires to amend the pleadings or reopen discovery, that party will need to file an appropriate motion.

United States District Court

For the Northern District of California

1 commitment in another case.” (Docket Item No. 1258.) The same day, the Court issued an Order
2 Denying Plaintiffs’ Motion for Reconsideration. (hereafter, “December 7 Order,” Docket Item No.
3 1257.)

4 In light of the unavailability of Defendants’ counsel and in order to give the parties time to
5 consider the implications of the Court’s December 7 Order, the Court finds good cause to
6 CONTINUE the Case Management Conference to **January 23, 2012 at 10 a.m.** On or before
7 **January 13, 2012**, the parties shall submit a new Joint Case Management Conference Statement to
8 address the following issues:

9 (1) In the current Joint Statement, the parties dispute whether an amended pleading is
10 proper, whether discovery should be reopened, and whether it is necessary for the
11 Court to formally appoint new Plaintiffs’ counsel to represent the class. To the extent
12 that the parties are unable to resolve these issues by the time the new Joint Statement
13 is due, the parties shall clearly set forth a briefing schedule for formally noticed
14 motions so that the issues are squarely before the Court for resolution prior to trial
15 setting.

16 (2) In the current Joint Statement, the parties fail to provide an adequate proposal for a
17 new trial. Thus, the January 13 Joint Statement shall include, *inter alia*, a good faith
18 proposed schedule setting forth precise dates for the trial in this case.

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20 Dated: December 13, 2011


21 JAMES WARE
22 United States District Chief Judge

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United States District Court

For the Northern District of California

1 THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

2 Anthony Joseph DeCristoforo ajdecristoforo@stoel.com
3 Brett Marshall Godfrey godfrey@godlap.com
3 Brett Marshall Godfrey godfrey@godlap.com
3 David L. Hartsell dhartsell@mcguirewoods.com
4 Eric Neil Landau elandau@jonesday.com
Eric Neil Landau elandau@jonesday.com
5 George Stephen Azadian george@mathewslawgroup.com
Hugh Tabor Verano hverano@verano-verano.com
6 John David Higginbotham john.higginbotham@bbklaw.com
Joshua G Blum jblum@ftllp.com
7 Julie N. Richards richards@godlap.com
Julie N. Richards richards@godlap.com
8 Kendra S. Canape kendra.canape@kyl.com
Lester A. Perry lap@hooleking.com
9 Lucius Wallace luke@hwh-law.com
Michael Andrew Taitelman mtaitelman@ftllp.com
10 Natalie P. Vance nvance@klinedinstlaw.com
O. Randolph Bragg rand@horwitzlaw.com
11 Paul Arons lopa@rockisland.com
Peter Manfred Bransten pbransten@lgbfirm.com
12 Robert David Humphreys david@hwh-law.com
Ronald Wilcox ronaldwilcox@post.harvard.edu
13 Sharon Kathleen Grace parons@rockisland.com

14 Dated: December 13, 2011

Richard W. Wieking, Clerk

16 By: /s/ JW Chambers
Susan Imbriani
Courtroom Deputy

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